

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ELLEN MAYO

v.

BANK OF AMERICA

)

) NO. 3-13-0468

) JUDGE CAMPBELL

)

)

ORDER

Pending before the Court are a Report and Recommendation of the Magistrate Judge (Docket No. 70), Objections filed by the Plaintiff (Docket No. 73), and a Response filed by the Defendant (Docket No. 74).

Pursuant to 28 U.S.C. § 636(b)(1), Fed. R. Civ. P. 72(b)(3) and Local Rule 72.03(b)(3), the Court has reviewed *de novo* the Report and Recommendation, the Objections, the Response, and the file. The Objections of the Plaintiff are overruled, and the Report and Recommendation is adopted and approved. Plaintiff's Objections do not change the result that this action is preempted by the Fair Credit Reporting Act. To the extent Plaintiff's Motions for Subpoenas and Motion to Compel are still pending, those Motions are denied. Nothing requested by the Plaintiff in those Motions changes the fact that the causes of action are preempted. Therefore, the discovery requests are irrelevant.

Accordingly, Plaintiff's Motion for Summary Judgment (Docket No. 42) is DENIED, and Defendant's Motion for Summary Judgment (Docket No. 61) is GRANTED. This action is DISMISSED, and the Clerk is directed to close the file. Any other pending Motions are denied as moot. The pretrial conference set for October 27, 2014, and the trial set for November 4, 2014, are canceled. This Order shall constitute the final judgment in this case pursuant to Fed. R. Civ. P. 58.

IT IS SO ORDERED.



TODD J. CAMPBELL

UNITED STATES DISTRICT JUDGE